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DOCKET NO. WS -20794A-11-0104

IN THE MATTER OF APPLICATION OF DII-EMERALD SPRINGS, L.L.C. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES.

IN THE MATTER OF THE APPLICATION OF DII-EMERALD SPRINGS, L. L.C. FOR APPROVAL OF RATES.

IN THE MATTEROF THE APPLICATION OF DOYLE THOMPSON FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER SERVICES.

DOCKET NO. WS-20794A-11-0279

DOCKET NO. SW-20851A-12-0226

PROCEDURAL ORDER

On May 7, 2013, as ordered, I mailed the enclosed information. It was returned to me due to the fact that I used the wrong size paper to make the copies of the proof of publication sent to me from the newspaper. I have remedied that situation and am resubmitting the documents per the procedural order. Please accept my apologies for any inconvenience this may have caused this has caused.

Sincerely,

Doyle Thompson

Arizona Corporation Commission

DOCKETED

MAY 2 8 2013

DOCKETED BY

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OF DII-EMERALD SPRINGS,L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
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DOCKET NO. WS-20794A-11-0104

DOCKET NO. WS-20794A-11-0279

DOCKET NO. SW-20851A-12-0226

### PROCEDURAL ORDER

On April 4, 2013, it was ordered that I, Doyle Thompson, ensure that public notice of the hearing in the above matter be published in one of the local newspapers and it will be in the newspaper on Wednesday, May 3, 2013 and I have enclosed proof of publish.

It was further ordered that I provide notice to all my tenants here at Copper State MH & RV Park along with their monthly statements and post it in a conspicuous location. It was passed out door to door and is hung on the outside of the office door at 48998 Sourdough Rd. Ehrenberg, AZ 85334 and that was done on April 28, 2013 and I have included the notice that was sent to my tenants and to the HOA home owners in the proposed CC&N service area. The HOA home owners were notified by email through their treasurer of the HOA by email.

It was further ordered that when all was completed that I inform the Commission no later than May 10, 2013, this is notification. This will be mailed certified to the Commission.

Dovle Thompson

### SW-20851A-12-0226

Search

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Service List

PDF

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### Service List:

Company	Contact	Address	Date Added
	Curtis Cox	Assistant Attorney General Attorney General's Office 1275 W. Washington Phoenix, Arizona 85007	3/29/2013
	Arizona Reporting Service, Inc.	2200 N. Central Ave502 Phoenix, Arizona 85004-1481	1/11/2013
	Steve Wene	1850 N. Cental Ave, 1100 Phoenix, Arizona 85004	7/31/2012
	Julie LaBenz	1300 Joshua Ave., Suite B Parker, Arizona 85344	7/31/2012
	Henry Melendez	212 E. Rowland St. #423 Covina, California 91723	7/31/2012
	Steve Olea	1200 W. Washington St. Phoenix, Arizona 85007	6/8/2012
	Janice Alward	1200 W. Washington Phoenix, Arizona 85007	6/8/2012
Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927	6/8/2012
	Doyle Thompson	P.O. Box 287 Ehrenberg, Arizona 85334	6/8/2012

# U.S. Postal Service TO CERTIFIED WAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) For delivery information visit our website at www.usps.coms Postage Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Pestage & Fees Sent D Street, Apt. No.; or PO Box No. City, State, ZIP+4 PS Form 3800, August 2006 See Reverse for Instructions

### WS-20794A-11-0140

CAPITOL STATION PHOENIX, Arizona 850099998 0363680073-0099

05/07/2013 (800)275-8777 12:39:01 PM

Sales Receipt
Product Sale Unit Final
Description Qty Price Price

@@ PHOENIX AZ 85007 Zone-1 Priority Mail \$5.80

1 lb. 13.50 oz.

Expected Delivery: Wed 05/08/13

@@ Certified

\$3.10

Label #:

70122920000077543328

Issue PVI:

\$8.90

Total:

\$8,90

Paid by:

Cash

\$9.00

Change Due:

-\$0.10

@@ For tracking or inquiries go to USPS.com or call 1-800-222-1811.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

Bill#:1000101200201

Clerk:07

 All sales final on stamps and postage Refunds for guaranteed services only Thank you for your business

## **Notice to Tenants**

need help removing, please call the office We are still working on yard cleaning. If you have any large items in your yard that you

As I told you last month, I would keep you informed on what was going on with the Verde Valley Times on Wednesday, May 1, 2013. sewer plant situation, here is a copy of the latest Public Notice coming out in the Palo

### IN THE MATTER OF THE APPLICATIONS OF DII-EMERALD SPRINGS, L.L.C. AND DOYLE THOMPSON FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY AND APPROVAL OF RATES TO PROVIDE SEWER SERVICE TO AN AREA IN THE LA PAZ COUNTY INCLUDING THE EMERALD SPRINGS SUBDIVISION. (DOCKET NOS. WS-20794A-11-0140 ET AL.)

### Summary

On April 4, 2011, DII-Emerald Springs, L.L.C. ("DII") filed an application for a Certificate of Convenience and Necessity ("CC&N") to provide sewer service to a CC&N service area including a subdivision in Ehrenberg known as Emerald Springs. At the time, DII considered the Emerald Springs Homeowners' Association ("HOA") to be DII's only customer as the HOA would be billed for service and would then bill its members. On July 15, 2011, DII filed a rate application for the same service area, to which DII had been providing sewer service since 2004. In September 2011, DII's CC&N and rate application were consolidated to proceed as one matter.

In March 2012, the HOA, through its own actions, ceased receiving sewer service from DII and began receiving sewer service from Doyle Thompson, who was already providing sewer service to Copper State Mobile Home & RV Park ("Copper State Park"), for which he is identified as the owner.

In March 2012, intervention in the DII matters was granted to the HOA and jointly to Robhana, INC. and Charles Dunn Capital, Inc. In April 2012, intervention in the DII matters was granted to Mr. Thompson, who indicated that he would be filing an application for a CC&N to provide sewer service.

On June 7, 2012, Mr. Thompson filed an application for a CC&N to provide sewer service to a CC&N service area including Emerald Springs. The HOA has expressed support for Mr. Thompson's CC&N application.

In July 2012, the dockets for Mr. Thompson's application and DII's applications were consolidated, to allow the Commission to consider and resolve the competing applications and rate proposals through a single proceeding.

DII has proposed that the HOA be charged a flat monthly rate to cover service to all of its members. DII has not proposed a specific rate, but was charging the HOA a monthly rate of \$3041.18 at the time service was disconnected. In December 2011 Staff Report, the commission's Utilities Division ("Staff") recommended that DII be granted a CC&N and authorized to charge a monthly rate of \$125.00 per completed residential connection (of which there were then 43, per the Staff Report).

Mr. Thompson has reported that he is currently charging the HOA \$50.00 per residential connection, for a total of \$2000.00 per month (40 residential connections within 52 existing lots in Emerald Springs). Mr. Thompson has proposed that he be authorized to charge the following rates: \$75.00 per onsite built home, \$30.00 per mobile home space, and \$15.00 per RV space.

On March 8, 2013, Staff issued a Consolidated Staff Report providing Staff's recommendations as to both DII applications as well as Mr. Thompson's application. Staff now recommends that DII not be granted a CC&N. Staff further recommends that if DII's CC&N application is granted by the Commission,

DII be authorized to assess a monthly usage charge of \$125.00 per completed residential connection. Staff also recommends that Mr. Thompson not be granted a CC&N. Because Mr. Thompson is currently providing service both to Emerald Springs and Copper State Park, Staff further recommends that Mr. Thompson continue to serve Emerald Springs and Copper State Park and assess the following monthly charges for such service:

Per HOA lot: \$149.85 Per Mobile Home: \$89.91 Per RV: \$44.95

The Commission is not bound by the proposals made by DII, Mr. Thompson, Staff, or any intervenor. The rates approved by the Commission will not necessarily be the rates proposed by any party to this proceeding, including Staff, and be higher or lower than the rates proposed. The Commission will issue a Decision regarding the applications following consideration of testimony and evidence presented at an evidentiary hearing.

### How You Can View or Obtain a copy of the Applications

Copies of the applications and other documents filed in these consolidated matters are available for inspection during regular business hours at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, AZ 85007, and at any time on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function, located at the bottom of the webpage. Copies of DII's applications are also available from DII at 212 East Rowland Street #423, Covina, CA 91723. Copies of Mr. Thompson's application are also available from Mr. Thompson at Copper State, 48998 Sourdough Road, Ehrenberg, AZ 85334.

### Public Hearing Information

The Commission will hold a hearing on this matter beginning July 23, 2013, at 10:00 a.m., in hearing room No. 2, at the Commission's offices at 1200 West Washington Street, Phoenix, AZ 85007. Public comments will be taken on the first day of hearing. Written public comments may be submitted at any time by mailing a letter, referencing Docket Nos. WS-20794a-11-0140 et al., to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

### About Intervention

Any person entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. The granting of intervention entitles a person to participate as a party at hearing by presenting sworn evidence and cross-examining other party's witnesses. If you wish to intervene, you must file original and 13 copies of a written motion to intervene with the Commission's Docket Control Center no later than June 10, 2013, and send a copy of the motion to all parties of record or their counsel. Contact information may be obtained using the Commission's e-Docket function.

Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and name, address and telephone number of any person upon whom service of documents is to be made, if not yourself;

### DOCKET NO. WS-20794A-11-0140 ET AL

- 2. A short statement of your interest in the proceeding (e.g., a customer of either applicant, a property owner in the proposed CC&N service area, etc.); and
- 3. A statement certifying that you have mailed a copy of the motion to intervene to all parties of record in the case or to their counsel.

The granting of motions to intervene is governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before June 10, 2013.

If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. A sample intervention request form is available on the Commission's website at http://www.azcc.gov/divisions/utilities/forms/interven.pdf.

If you do not intervene, you will receive no further notice of the proceedings in this docket. However, all documents filed in this docket are available online (usually within 24 hours after docketing) at the Commission's website, www.azcc.gov, using the e-Docket function, located at the bottom of the webpage. RSS feeds are also available through e-Docket.

### ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail SAbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodations.

W5-20794A-11-0140

### PROOF OF PUBLICATION (2015.2 C.C.P.)

STATE OF CALIFORNIA,

of the County Aforesaid; I am over the age of On April 4, 2011, DII-Eme pleted residential connective www.azcc.gov) using the eighteen years, and not a party to or interested in raid Springs, L.L.C. ("DII" tion (of which there were e-Docket function, located the chave entitled matter. I am the principal clark filed an application for atten 43, per the Staff Re- at the Cotion of DIVI confined and party control of the webthe above-entitled matter. I am the principal c'erl Certificate of Convenience port). of the printer of the

### Palo Verde Valley Times

a newspaper of general circulation, printed

and published **BI-WEEKLY** 

in the CITY OF BLYTHE

COUNTY OF RIVERSIDE, and which newspaper has been adjudged a newspaper of general trea, to which DII had beer On March 8, 2013, Staff iscirculation by the Superior Court of the COUNTY OF RIVERSIDE,

State of California, under the date of JUNE 20, dated to proceed as one Mr. Thompson's applica-1952, CASE NUMBER 54744; that the notice, of in March 2012, the HOA that Gill not be granted a which the annexed has a printed copy (set in type through its own actions, CC&N Staff further recomnot smaller than nonpareil) has been published in section becaused receiving sewer mends that if DII's CC&N II-0140 et al., to: Arizona each regular and entire issue of said newspaper receiving sewer service the Commission, DU be au- Consumer Services Secard not in any supplement thereof on the from Poyle Thompson, who thorized to assess a month- tion, 1200 West Washingfollowing dates, to wift following dates, to-wit:

Pub.: May 1, 2013

I certify (or declare) under penalty of perjury that by wher. the foregoing is true and correct.

DATED AT BLYTHE, CALIFORNIA May 3, 2013

Signature ywa Kubulcaba

153 S. Broadway, Blythe, California 92225 the Commission to consider P.O. Box 1159, Blythe, California 92226

IN THE MATTER OF THEDII has proposed that the lenge presented at an evi-EMERALD SARIES monthly rate to cover ser-THOMPSON FOR A CEN DII has not imposed a specific rate but was charging cations and other documents. And APPROVAL OF \$3,041.18 at the time ser-dated matters are available RATES TO PROVIDE vice was disconnected. In a for inspection during regular SEWER SERVICE TO AN December 2011 Staff Re-business hours at the Com-IN LA PAZport, the Commission's Util- mission's Docket Control COUNTY OF RIVERSIDE

COUNTY INCLUDING THE ities Division ("Staff') rec- Center at 1200 West WashEMERALD SPRINGS SUB ommended that DII be ington Street, Phoenix, AZ
DIVISION. (DOCKET NOS granted a CC&N and au- 85007, and at any time on

WS-20794A-II-014 ET AL.)

Summary

of the County Aforesaid: I am over the age of County Afor

and Necessity ("CC&N") tcMr. Thompson has reported cations are also available provide sewer service to athat he is currently charging from DII at 212 East Row-CC&N service area includ-the HOA \$50.00 per resi- land Street #423, Covina, ing a subdivision in Ehren-dential 24 connection, for a CA 91723. Copies of Mr. known as Emeraldtotal of \$2,000 per month Thompson's application are Springs. At the time, Dil(40 residential connections also available from Mr. considered the Emeralcwithin 52 existing lots in Thompson at Copper State, Springs Homeowners' As Emerald Springs). Mr. 48998 Sourdough Rd, Enschalten ("HOA") to be Thompson has proposed property at 285334

Diffs only customer, as the that he be authorized to the following rates: The Commission will hold a commission will hold a INFOA would be biffed to charge the following rates: The Commission will hold a service and would then bill \$75.00 per on-site built hearing on this matter belies members. On July 15 home, \$30.00 per mobile ginning July 23, 2013, at 2011, Dit filed a rate appli home space, and \$15.00 10:00a.m., in Hearing setion for the same service per RV space.

providing sewer service sued a Consolidated Staff since 2004. In September Report providing Staffs rec-2011, DII's CC&N and rate ommendations as to both of applications were consoli Dn applications as well as

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Towner.

CC&N. Because Mr. About Intervention Any in March 2012, intervention Thompson iscurrently properson entitled by law to intervented to the HOA and fall springs and Copper and substantial interest in jointly to Robhana, Inc. and State Pets. Staff further the matter will be permitted to the HOA and fall springs and the permitted that Mr. Intervention in Thompson continue to of intervention entitles a contract of the DII matters was greated server. Emerced Springs and person to participate and the permitted server. ethe DII matters was granted serve Emerald Springs and to Mr. Thompson, who indi-Copper StatePark and ascated that he soon would sess the following monthly ing sworn evidence and be filing an application for a charges for such service: cross-examining other per CC&N to provide sewer Per HOA lot: \$149.85 Per ty's witnesses. If you wish

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page. Copies of DII's appli-

sion's offices at 1200 West Washington Street, Phoenix, AZ 85007. Public comments will be taken on the first day of hearing. Written public comments may be tion. Staff now recommends submitted at any time by mailing a letter, referencing Docket Nos. WS-20794A-

person to participate as a party at hearing by present-Mobile Home: \$89.91 Per to intervene, you must file service.

On June 7, 2012, Mr RV: \$44.95

Thompson filed an applica. The Commission is not tervene with the Commission for a CC&N to provide bound by the proposals tervene with the Commission for a CC&N made by Dif, Mr. Thompson's Docket Control service area including Emetion, Staff, or any intervenence of the control service area including Emetion, Staff, or any intervenent of the control of

rates proposed. The Com-Your motion to intervene sion regarding the applica-1. Your name, address, and WS-20794A-11-0140

### PROOF OF PUBLICATION (2015.2 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am a citizen of the United States and a resident of the County Aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

### Palo Verde Valley Times

a newspaper of general circulation, printed

and published BI-WEEKLY

in the CITY OF BLYTHE

COUNTY OF RIVERSIDE, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the COUNTY OF RIVERSIDE,

State of California, under the date of JUNE 20, 1952, CASE NUMBER 54744; that the notice, of which the annexed has a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit;

Pub.: May 1, 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED AT BLYTHE, CALIFORNIA May 3, 2013

Signature

Times

153 S. Broadway, Blythe, California 92225 P.O. Box 1159, Blythe, California 92226 son upon whom service of documents is to be made, if notyourself;

2. A short statement of your interest in the proceeding (e.g., a customer of either 24 applicant, a property owner in the proposed CC&N service area, etc.); and

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lin Bernal, E-mail SAbernal@azcc.gov,
voice phone number
602-542-3931. Requests
should be made as early as
possible to allow time to arrange the accommodation.

Pub: May 1, 2013